

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

13281
012004

Mail Stop Patent Application
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Atty. Dkt.: 4398-323
 Date: January 20, 2004

22553 U.S.PTO
 10/759176
 012004

Sir.

Attached for filing is the patent application of:

Inventor: FRATER et al.

Entitled: MASK WITH GUSSET

and including attachments as noted below:

- Newly executed Declaration, Copy of Declaration from prior application, Abstract
 Please delete the following inventors in the continuation/division/continuation-in-part application:

Deleted persons:

52 pages of specification and claims (including 124 numbered claims), and
 11 sheets of accompanying drawing/s.

Record the attached two assignments to ResMed (R&D) Limited and ResMed Limited, both of North Ryde, New South Wales, Australia and return to the undersigned.

Attached is a copy of the Exclusive Substitute Power of Attorney.

Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number	Country	Day/Month/Year Filed
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, respectively, the entire content of which is hereby incorporated by reference in this application..

Certified copy(ies) of foreign application(s) is/are attached.

Certified copy(ies) filed on _____ in prior appln. no. _____ filed _____

This application claims the benefit of U.S. Provisional Application No. 60/213,251, filed June 22, 2000, U.S. Provisional Application No. 60/219,618, filed July 21, 2000, and U.S. Provisional Application No. 60/293,992, filed May 30, 2001, the entire contents of which are hereby incorporated by reference in this application.

This application is a continuation/ division/ continuation-in-part of Application No. 10/322,578, filed December 19, 2002, allowed, which is a continuation of U.S. Application No. 09/885,445, filed June 21, 2001, currently pending, which in turn claims the benefit of U.S. Provisional Application No. 60/213,251, filed June 22, 2000, U.S. Provisional Application No. 60/219,618, filed July 21, 2000, and U.S. Provisional Application No. 60/293,992, filed May 30, 2001, the entire contents of which are hereby incorporated by reference in this application.

Petition filed in prior application to extend its life to insure co-pendency.

The prior application is assigned to ResMed Limited, North Ryde, New South Wales, Australia.

It is hereby requested that the Examiner consider the art cited in the parent application by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached.

Applicant claims "small entity" status. "Small entity" statement attached.

Please enter the attached Preliminary Amendment and replacement Figs. 1-30 prior to calculation of filing fee.

Also attached: Information Disclosure Statement; Non-Publication Request; Nucleotide and/or Amino Acid Sequence Submission; Statement deleting Inventor(s) named in prior application; Other:

FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY HEREWITH CANCELED

Basic Filing Fee		\$	770.00
Total effective claims	10 - 20 (at least 20) =	0 x \$ 18.00	\$ 0.00
Independent claims	3 - 3 (at least 3) =	0 x \$ 86.00	\$ 0.00
If any proper multiple dependent claims now added for first time, add \$290.00 (ignore improper)		\$	0.00
		SUBTOTAL	\$ 770.00
If "small entity," then enter half (1/2) of subtotal and subtract			\$ (0.00)
		SECOND SUBTOTAL	\$ 770.00
Assignment Recording Fee (\$40.00)		\$	80.00
		TOTAL FEE ENCLOSED	\$ 850.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

Correspondence Address:

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NIXON & VANDERHYE P.C.

By Atty: Paul T. Bowen, Reg. No. 38,009

Signature: